

Claims 58 and 59 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, Applicant has amended claims 58 and 59 to be properly dependent on claim 57. It is submitted that claims 58 and 59 are now clear and definite. Withdrawal of the rejection is respectfully requested.

Claims 41- 97 stand rejected under the judicially created doctrine of double patenting over claims 1-40 of U.S. Patent No. 6,222,873. In response, Applicant herewith submits a terminal disclaimer in compliance with 37 CFR 1.321(c). Applicant submits that the patent is commonly owned with this application. Withdrawal of the double patenting rejection is respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "Version with Markings to Show Changes Made."

All objections and rejections having been addressed, it is respectfully submitted that claims 41-97 are now in condition for allowance and a notice to that effect is earnestly solicited. If any issues remain to be resolved, the Examiner is cordially invited to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claims 58 and 59 as follows:

58. (Amended) The [method] apparatus of claim 57, wherein said orthogonal code sequence includes a Hadamard code sequence.

59. (Amended) The [method] apparatus of claim 57, wherein said orthogonal code sequence includes a Walsh code.